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SUPREME COURT, U.S.

IN THE SUPREME COURT

FOR THE UNITED STATES

JAMES E. PATTERSON,	:	
	:	
Appellant-Petitioner,	:	
	:	
v.	:	NO. 80-6657
HANS J. SCHACHT, OTIS J. ABERNATHY, JAMES LEWIS, RALPH JOHNSON, NEIL GUNTER, WESLEY BOYD HINCHEY, KENNETH GORDON, THEODORE FRANKEL, and THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA,	:	
	:	
Appellees-Respondents,	:	

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MOTION TO DISMISS APPEAL

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Theodore G. Frankel

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MOTION TO DISMISS APPEAL

Appellee-Respondent THEODORE G. FRANKEL (hereinafter "Frankel") respectfully moves this Court to Dismiss the Appeal of Appellant-Respondent JAMES E. PATTERSON (hereinafter "Patterson"), on the ground that the Appeal is not made in conformity with the Rules of this Court and on the further ground that the Appeal is frivolous and incomprehensible.

Rule 12 requires an Appeal to be docketed not more than 90 days after the entry of the judgment appealed from. The judgment appealed from in this case was entered on December 29, 1980 and the case was not docketed in this Court until April 9, 1981, a total of 101 days after the entry of judgment. The Appeal, therefore, should be dismissed as not timely filed.

If this Appeal is treated as a Writ of Certiorari, it is untimely under Rule 20. Rule 20 requires that the Writ be

applied for within 30 days of the judgment sought to be reviewed and this time limit may not be extended for more than 30 days.

Rule 15 has to do with the form of the Jurisdictional Statement filed with the Court. Section .1(a) requires that all questions be presented in a short and concise manner without unnecessary detail. Patterson's jurisdictional statement is long, rambling and at times unintelligible. Section .1(b) requires a list of parties within the Jurisdictional Statement if the parties are not listed in the caption. Patterson is inconsistent with the list of parties in his various captions; it is not clear who the parties are. At least one "party" Jeffrey Smith was not a party below. Section .1(e) requires a concise statement of the grounds alleged for jurisdiction. Patterson's alleged grounds for jurisdiction are rambling, unclear and unintelligible.

Since the United States District Court for the Northern District of Georgia is a party, Patterson failed to comply with Rule 28 by failing to serve the Solictor General, Department of Justice.

There are numerous, less serious violations of the Rules of this Court.

Aside from violations of the Rules of the Court, Patterson's Appeal is frivolous, incoherent, unintelligible, and not subject to a rational response.

For the foregoing reasons, Frankel respectfully requests this Court to dismiss Patterson's Appeal, and if the

Court should deem Patterson's filing to be a Petition for Certiorari, that this Court deny the Petition.

This 10th day of June, 1981.

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